Pius XII, Excommunication, and Traditional Catholic Bishops

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Controversialists have sometimes invoked a 1951 decree and a 1958 encyclical of Pius XII against various traditional Catholic bishops, including those consecrated by Abp. P.M. Ngo-dinh-Thuc.

The two documents excommunicated certain Chinese bishops whose consecrations the Red Chinese government had arranged in order to set up a stooge hierarchy in China under Communist control.

The 9 April 1951 Decree establishing the automatic penalty of excommunication for the consecration of a bishop reads as follows:

"Decree concerning the Consecration

of a Bishop without Canonical Appointment.

"The Supreme Sacred Congregation of the Holy Office, in virtue of a special faculty established for it by the Supreme Pontiff, publishes the following Decree:

"A Bishop, of whatever rite or dignity, who consecrates as a Bishop someone who is neither nominated by the Holy See nor expressly confirmed by that same See, and he who receives consecration, even if coerced by grave fear (c.229, §3, 3), incur *ipso facto* [automatically] excommunication most especially reserved to the Apostolic See.

This Decree takes effect from the date of its promulgation.

Those who have attempted to invoke this decree in our own circumstances seem to have confused two things:

1. The **mandatum:** the papal document **granting permission for the consecration** of a bishop who will serve as a bishop in **any capacity**, including as an auxiliary or titular bishop, and

2. The **canonical appointment:** a papal decree **designating a bishop as Ordinary** (or "residential bishop") of a **duly constituted diocese**, which appointment auxiliary and titular bishops did *not* receive.

The canonist Fr. Eduardo Regatillo, in his *Institutiones Juris Canonici* (Santander: Sal Terrae 1956), 2:600, states that the 1951 decree affects only bishops consecrated without papal appointment to be **heads of dioceses.**

"Anyone who is to be promoted to the episcopacy needs the canonical appointment by which he is constituted Bishop of a such a vacant diocese.

"In practice, it may be doubted whether only those who are to be consecrated *residential* Bishops are affected – that is, those who are consecrated for a diocese now in existence – or also *titular* bishops (who are created for an extinct see or diocese), or bishops who are consecrated for no diocese.

"From the purpose intended by the Holy Office, the decree appears to cover only those who are consecrated as **residential bishops**, for this is the actual case which the Holy See intends to condemn..

"This new type [of offense] differs from the one mentioned in canon 2370, where the canon refers to consecrations performed **without apostolic mandate** (described in canon 953). The new decree, on the other hand, punishes consecrations performed **without pontifical appointment**.

"An **appointment** designates the person and bestows the title [to an office]. A **mandate** grants the permission to confer the consecration."

Regatillo's interpretation is confirmed a reading of Pius XII's encyclical (reproduced below), especially paragraphs 45-48.

No traditional Catholic bishop – at least none of our acquaintance – has been consecrated to the episcopacy and then received illegal designation and title to a diocese established by the Roman Pontiff.

Traditional Catholic bishops are consecrated for *no* diocese. One cannot claim, therefore, that the 1951 Decree applies to them.

AD APOSTOLORUM PRINCIPIS

His Holiness Pope Pius XII

Encyclical on Communism and the Church in China

June 29, 1958

To Our Venerable Brethren and Beloved Children, the Archbishops, Bishops, other Local Ordinaries, and Clergy and People of China in Peace and Communion with the Apostolic See.

Venerable Brethren and Beloved Children, Greetings and Apostolic Benediction.

At the tomb of the Prince of the Apostles, in the majestic Vatican Basilica, Our immediate Predecessor of deathless memory, Pius XI, duly consecrated and raised to the fullness of the priesthood, as you well know, "the flowers and . . .. latest buds of the Chinese episcopate."[1]

2. On that solemn occasion he added these words: "You have come, Venerable Brethren, to visit Peter, and you have received from him the shepherd's staff, with which to undertake your apostolic journeys and to gather together your sheep. It is Peter who with great love has embraced you who are in great part Our hope for the spread of the truth of the Gospel among your people."[2]

3. The memory of that allocution comes to Our mind today, Venerable Brethren and dear children, as the Catholic Church in your fatherland is experiencing great suffering and loss. But the hope of our great Predecessor was not in vain, nor did it prove without effect, for new bands of shepherds and heralds of the Gospel have been joined to the first group of bishops whom Peter, living in his Successor, sent to feed those chosen flocks of the Lord.

4. New works and religious undertakings prospered among you despite many obstacles. We too shared that hope when later We had the pleasure of

establishing the hierarchy in China and saw yet wider paths opening up for the spread of the Kingdom of Jesus Christ.

5. But, alas, after a few years the sky was overcast by storm clouds. On your Christian communities, many of which had been flourishing from times long past, there fell sad and sorrowful times. Missionaries, among whom were many archbishops and bishops noted for their apostolic zeal, and Our own Internuncio were driven from China, while bishops, priests, and religious men and women, together with many of the faithful, were cast into prison or incurred every kind of restraint and suffering.

6. On that occasion We raised Our voice in sorrow, and, in Our Encyclical of January 18, 1952, *Cupimus imprimis,[*3] rebuked the unjust attack. In that letter, for the sake of truth and conscious of Our duty, We declared that the Catholic Church is a stranger to no people on earth, much less hostile to any. With a mother's anxiety, she embraces all peoples in impartial charity. She seeks no earthly advantage but employs what powers she possesses to attract the souls of all men to seek what is eternal. We also stated that missionaries promote the interest of no particular nation; they come from every quarter of the earth and are united by a single love, God, and thus they seek and hope for nothing else save the spread of God's kingdom. Thus, it is clear that their work is neither without purpose nor harmful, but beneficent and necessary since it aids Chinese priests in their Christian apostolate.

7. And some two years later, October 7, 1954, another Encyclical Letter was addressed to you, beginning *Ad Sinarum gentem*,[4] in which We refuted accusations made against Catholics in China. We openly declared that Catholics yielded to none (nor could they do so) in their true loyalty and love of their native country. Seeing also that there was being spread among you the doctrine of the so-called "three autonomies," We warned – by virtue of that universal teaching authority which We exercise by divine command – that this same doctrine as understood by its authors, whether in theory or in its consequences, cannot receive the approval of a Catholic, since it turns minds away from the essential unity of the Church.

8. In these days, however, We have to draw attention to the fact that the Church in your lands in recent years has been brought to still worse straits. In the midst of so many great sorrows it brings Us great comfort to note that in the daily attacks which you have met neither unflinching faith nor the most ardent love of the Divine Redeemer and of His Church has been wanting. You have borne witness to this faith and love in innumerable ways, of which only a small part is known to men, but for all of which you will someday receive an eternal reward from God.

9. Nevertheless We regard it as Our duty to declare openly, with a heart filled to its depths with sorrow and anxiety, that affairs in China are, by deceit and cunning endeavor, changing so much for the worse that the false doctrine already condemned by Us seems to be approaching its final stages and to be causing its most serious damage.

10. For by particularly subtle activity an association has been created among you to which has been attached the title of "patriotic," and Catholics are being forced by every means to take part in it.

This association – as has often been proclaimed – was formed ostensibly to join the clergy and the faithful in love of their religion and their country, with these objectives in view: that they might foster patriotic sentiments; that they might advance the cause of international peace; that they might accept that species of socialism which has been introduced among you and, having accepted it, support and spread it; that, finally, they might actively cooperate with civil authorities in defending what they describe as political and religious freedom. And yet – despite these sweeping generalizations about defense of peace and the fatherland, which can certainly deceive the unsuspecting – it is perfectly clear that this association is simply an attempt to execute certain well defined and ruinous policies.

11. For under an appearance of patriotism, which in reality is just a fraud, this association aims primarily at making Catholics gradually embrace the tenets of atheistic materialism, by which God Himself is denied and religious principles are rejected.

12. Under the guise of defending peace the same association receives and spreads false rumors and accusations by which many of the clergy, including venerable bishops and even the Holy See itself, are claimed to admit to and promote schemes for earthly domination or to give ready and willing consent to exploitation of the people, as if they, with preconceived opinions, are acting with hostile intent against the Chinese nation.

13. While they declare that it is essential that every kind of freedom exist in religious matters and that this makes mutual relations between the ecclesiastical and civil powers easier, this association in reality aims at setting aside and neglecting the rights of the Church and effecting its complete subjection to civil authorities.

14. Hence all its members are forced to approve those unjust prescriptions by which missionaries are cast into exile, and by which bishops, priests, religious men, nuns, and the faithful in considerable numbers are thrust into prison; to consent to those measures by which the jurisdiction of many legitimate pastors is persistently obstructed; to defend wicked principles totally opposed

to the unity, universality, and hierarchical constitution of the Church; to admit those first steps by which the clergy and faithful are undermined in the obedience due to legitimate bishops; and to separate Catholic communities from the Apostolic See.

15. In order to spread these wicked principles more efficiently and to fix them in everyone's mind, this association – which, as We have said, boasts of its patriotism – uses a variety of means including violence and oppression, numerous lengthy publications, and group meetings and congresses.

16. In these meetings, the unwilling are forced to take part by incitement, threats, and deceit. If any bold spirit strives to defend truth, his voice is easily smothered and overcome and he is branded with a mark of infamy as an enemy of his native land and of the new society.

17. There should also be noted those courses of instruction by which pupils are forced to imbibe and embrace this false doctrine. Priests, religious men and women, ecclesiastical students, and faithful of all ages are forced to attend these courses. An almost endless series of lectures and discussions, lasting for weeks and months, so weaken and benumb the strength of mind and will that by a kind of psychic coercion an assent is extracted which contains almost no human element, an assent which is not freely asked for as should be the case.

18. In addition to these there are the methods by which minds are upset – by every device, in private and in public, by traps, deceits, grave fear, by so-called forced confessions, by custody in a place where citizens are forcibly "reeducated," and those "Peoples' Courts" to which even venerable bishops are ignominiously dragged for trial.

19. Against methods of acting such as these, which violate the principal rights of the human person and trample on the sacred liberty of the sons of God, all Christians from every part of the world, indeed all men of good sense cannot refrain from raising their voices with Us in real horror and from uttering a protest deploring the deranged conscience of their fellow men.

20. And since these crimes are being committed under the guise of patriotism, We consider it Our duty to remind everyone once again of the Church's teaching on this subject.

21. For the Church exhorts and encourages Catholics to love their country with sincere and strong love, to give due obedience in accord with natural and positive divine law to those who hold public office, to give them active and ready assistance for the promotion of those undertakings by which their native land can in peace and order daily achieve greater prosperity and further true development.

22. The Church has always impressed on the minds of her children that declaration of the Divine Redeemer: “Render therefore to Caesar the things that are Caesar’s and to God the things that are God’s.”[5] We call it a declaration because these words make certain and incontestable the principle that Christianity never opposes or obstructs what is truly useful or advantageous to a country.

23. However, if Christians are bound in conscience to render to Caesar (that is, to human authority) what belongs to Caesar, then Caesar likewise, or those who control the state, cannot exact obedience when they would be usurping God’s rights or forcing Christians either to act at variance with their religious duties or to sever themselves from the unity of the Church and its lawful hierarchy.

24. Under such circumstances, every Christian should cast aside all doubt and calmly and firmly repeat the words with which Peter and the other Apostles answered the first persecutors of the Church: “We must obey God rather than men.”[6]

25. With emphatic insistence, those who promote the interests of this association which claims a monopoly on patriotism, speak over and over again of peace and admonish Catholics earnestly to exert all their efforts to establish it. On the surface these words are excellent and righteous, for who deserves greater praise than the man who prepares the way to introduce and establish peace?

26. But peace – as you well know, Venerable Brethren and beloved sons – does not consist of words alone and does not rely on changing formulas which are suitable for the moment but contradict one’s real plans and practices, which do not conform with the meaning and way of true peace but with hatred, discord, and deceit.

27. Peace worthy of the name must be founded on the principles of charity and justice which He taught who is the “Prince of Peace,”[7] and who adopted this title as a kind of royal standard for Himself. True peace is that which the Church desires to be established: one that is stable, just, fair, and founded on right order; one which binds all together – citizens, families, and peoples – by the firm ties of the rights of the Supreme Lawgiver, and by the bonds of mutual fraternal love and cooperation.

28. As she looks forward to and hopes for this peaceful dwelling together of nations, the Church expects each nation to preserve that degree of dignity which becomes it. For the Church, which has ever kept a friendly attitude toward the various events in your country, long ago spoke through Our late Predecessor of happy memory and expressed the desire that “full recognition

be given to the legitimate aspirations and rights of the nation, which is more populous than any other, whose civilization and culture go back to the earliest times, which has, in past ages, with the development of its resources, had periods of great prosperity, and which – it may be reasonably conjectured – will become even greater in the future ages, provided it pursues justice and honor."[8]

29. On the other hand, as has been made known by radio and by the press, there are some – even among the ranks of the clergy – who do not shrink from casting suspicion on the Apostolic See and hint that it has evil designs toward your country.

30. Assuming false and unjust premises, they are not afraid to take a position which would confine within a narrow scope the supreme teaching authority of the Church, claiming that there are certain questions – such as those which concern social and economic matters – in which Catholics may ignore the teachings and the directives of this Apostolic See.

31. This opinion – it seems entirely unnecessary to demonstrate its existence – is utterly false and full of error because, as We declared a few years ago to a special meeting of Our Venerable Brethren in the episcopacy:

32. "The power of the Church is in no sense limited to so-called 'strictly religious matters'; but the whole matter of the natural law, its institution, interpretation and application, in so far as the moral aspect is concerned, are within its power.

33. "By God's appointment the observance of the natural law concerns the way by which man must strive toward his supernatural end. The Church shows the way and is the guide and guardian of men with respect to their supernatural end."[9]

34. This truth had already been wisely explained by Our Predecessor St. Pius X in his Encyclical Letter *Singulari quadam* of September 24, 1912, in which he made this statement: "All actions of a Christian man so far as they are morally either good or bad – that is, so far as they agree with or are contrary to the natural and divine law – fall under the judgment and jurisdiction of the Church."[10]

35. Moreover, even when those who arbitrarily set and defend these narrow limits profess a desire to obey the Roman Pontiff with regard to truths to be believed, and to observe what they call ecclesiastical directives, they proceed with such boldness that they refuse to obey the precise and definite prescriptions of the Holy See. They protest that these refer to political affairs

because of a hidden meaning by the author, as if these prescriptions took their origin from some secret conspiracy against their own nation.

36. Here We must mention a symptom of this falling away from the Church. It is a very serious matter and fills Our heart – the heart of a Father and universal Pastor of the faithful – with a grief that defies description. For those who profess themselves most interested in the welfare of their country have for some considerable time been striving to disseminate among the people the position, devoid of all truth, that Catholics have the power of directly electing their bishops. To excuse this kind of election they allege a need to look after the good souls with all possible speed and to entrust the administration of dioceses to those pastors who, because they do not oppose the communist desires and political methods, are acceptable by the civil power.

37. We have heard that many such elections have been held contrary to all right and law and that, in addition, certain ecclesiastics have rashly dared to receive episcopal consecration, despite the public and severe warning which this Apostolic See gave those involved.

Since, therefore, such serious offenses against the discipline and unity of the Church are being committed, We must in conscience warn all that this is completely at variance with the teachings and principles on which rests the right order of the society divinely instituted by Jesus Christ our Lord.

38. For it has been clearly and expressly laid down in the canons that it pertains to the one Apostolic See to judge whether a person is fit for the dignity and burden of the episcopacy,[11] and that complete freedom in the nomination of bishops is the right of the Roman Pontiff.[12] But if, as happens at times, some persons or groups are permitted to participate in the selection of an episcopal candidate, this is lawful only if the Apostolic See has allowed it in express terms and in each particular case for clearly defined persons or groups, the conditions and circumstances being very plainly determined.

39. Granted this exception, it follows that bishops who have been neither named nor confirmed by the Apostolic See, but who, on the contrary, have been elected and consecrated in defiance of its express orders, enjoy no powers of teaching or of jurisdiction since jurisdiction passes to bishops only through the Roman Pontiff as We admonished in the Encyclical Letter *Mystici Corporis* in the following words: ". . . As far as his own diocese is concerned each (bishop) feeds the flock entrusted to him as a true shepherd and rules it in the name of Christ. Yet in exercising this office they are not altogether independent but are subordinate to the lawful authority of the Roman Pontiff, although enjoying ordinary power of jurisdiction which they receive directly from the same Supreme Pontiff."[13]

40. And when We later addressed to you the letter *Ad Sinarum gentem*, We again referred to this teaching in these words: “The power of jurisdiction which is conferred directly by divine right on the Supreme Pontiff comes to bishops by that same right, but only through the successor of Peter, to whom not only the faithful but also all bishops are bound to be constantly subject and to adhere both by the reverence of obedience and by the bond of unity.”[14]

41. Acts requiring the power of Holy Orders which are performed by ecclesiastics of this kind, though they are valid as long as the consecration conferred on them was valid, are yet gravely illicit, that is, criminal and sacrilegious.

42. To such conduct the warning words of the Divine Teacher fittingly apply: “He who enters not by the door into the sheepfold, but climbs up another way, is a thief and a robber.”[15] The sheep indeed know the true shepherd’s voice. “But a stranger they will not follow, but will flee from him, because they do not know the voice of strangers.”[16]

43. We are aware that those who thus belittle obedience in order to justify themselves with regard to those functions which they have unrighteously assumed, defend their position by recalling a usage which prevailed in ages past. Yet everyone sees that all ecclesiastical discipline is overthrown if it is in any way lawful for one to restore arrangements which are no longer valid because the supreme authority of the Church long ago decreed otherwise. In no sense do they excuse their way of acting by appealing to another custom, and they indisputably prove that they follow this line deliberately in order to escape from the discipline which now prevails and which they ought to be obeying.

44. We mean that discipline which has been established not only for China and the regions recently enlightened by the light of the Gospel, but for the whole Church, a discipline which takes its sanction from that universal and supreme power of caring for, ruling, and governing which our Lord granted to the successors in the office of St. Peter the Apostle.

45. Well known are the terms of Vatican Council’s solemn definition: “Relying on the open testimony of the Scriptures and abiding by the wise and clear decrees both of our predecessors, the Roman Pontiffs, and the general Councils, We renew the definition of the Ecumenical Council of Florence, by virtue of which all the faithful must believe that ‘the Holy Apostolic See and the Roman Pontiff hold primacy over the whole world, and the Roman Pontiff himself is the Successor of the blessed Peter and continues to be the true Vicar of Christ and head of the whole Church, the father and teacher of all Christians, and to him is the blessed Peter our Lord Jesus Christ committed the full power of caring for, ruling and governing the Universal Church….’

46. “We teach, . . . We declare that the Roman Church by the Providence of God holds the primacy of ordinary power over all others, and that this power of jurisdiction of the Roman Pontiff, which is truly episcopal, is immediate. Toward it, the pastors and the faithful of whatever rite and dignity, both individually and collectively, are bound by the duty of hierarchical subordination and true obedience, not only in matters which pertain to faith and morals, but also in those which concern the discipline and government of the Church spread throughout the whole world, in such a way that once the unity of communion and the profession of the same Faith has been preserved with the Roman Pontiff, there is one flock of the Church of Christ under one supreme shepherd. This is the teaching of the Catholic truth from which no one can depart without loss of faith and salvation.”[17]

47. From what We have said, it follows that no authority whatsoever, save that which is proper to the Supreme Pastor, can render void the canonical appointment granted to any bishop; that no person or group, whether of priests or of laymen, can claim the right of nominating bishops; that no one can lawfully confer episcopal consecration unless he has received the mandate of the Apostolic See.[18]

48. Consequently, if consecration of this kind is being done contrary to all right and law, and by this crime the unity of the Church is being seriously attacked, an excommunication reserved specialissimo modo to the Apostolic See has been established which is automatically incurred by the consecrator and by anyone who has received consecration irresponsibly conferred.[19]

49. What then is to be the opinion concerning the excuse added by members of the association promoting false patriotism, that they had to act as they alleged because of the need to tend to the souls in those dioceses which were then without a bishop?

50. It is obvious that no thought is being taken of the spiritual good of the faithful if the Church’s laws are being violated, and further, there is no question of vacant sees, as they wish to argue in defense, but of episcopal sees whose legitimate rulers have been driven out or now languish in prison or are being obstructed in various ways from the free exercise of their power of jurisdiction. It must likewise be added that those clerics have been cast into prison, exiled, or removed by other means, whom the lawful ecclesiastical superiors had designated in accordance with canon law and the special powers received from the Apostolic See to act in their place in the government of the dioceses.

51. It is surely a matter for grief that while holy bishops noted for their zeal for souls are enduring so many trials, advantage is taken of their difficulties to establish false shepherds in their place so that the hierarchical order of the

Church is overthrown and the authority of the Roman Pontiff is treacherously resisted.

52. And some have even become so arrogant that they blame the Apostolic See for these terrible and tragic events (which have certainly been deliberate accomplishments of the Church's persecutors) even though everyone knows that the Church has been unable, in the past and at present, when such information has been needed, to obtain requisite data about qualified candidates for the episcopacy simply because she was prevented from communicating freely and safely with the dioceses of China.

53. Venerable brethren and dear children, thus far We have told you of the anxiety with which we are moved by the errors which certain men are trying to sow among you, and by the dissensions which are being aroused. Our intention is that, enlightened and strengthened by the encouragement of your common father, you may remain steadfast and without blemish in that faith by which We are united and by which alone We shall obtain salvation.

54. But now, following the ardent dictates of Our heart, We must tell you of the close and particular feelings of intimacy which draw Us near to you. To Our mind come those torments which rend asunder your bodies or your minds, particularly those which the most valiant witnesses of Christ are enduring, among whose number are several of Our Venerable Brethren in the episcopate. Daily at the altar We offer to the Divine Redeemer the trials of all of them, together with the prayers and sufferings of the whole Church.

55. Be constant then and put your trust in Him according to the words: "Cast all your anxiety upon Him, because He cares for you."[20]

56. He sees clearly your anguish and your torments. He particularly finds acceptable the grief of soul and the tears which many of you, bishops and priests, religious and laymen, pour forth in secret when they behold the efforts of those who are striving to subvert the Christians among you. These tears, these bodily pains and tortures, the blood of the martyrs of past and present – all will bring it about that, through the powerful intervention of Mary, the Virgin Mother of God, Queen of China, the Church in your native land will at long last regain its strength and in a calmer age, happier days will shine upon it.

57. Relying on this hope, to you and to the flocks committed to your care We most lovingly grant in the Lord, as a token of divine gifts and a sign of Our special good will, Our Apostolic Benediction.

58. Given at St. Peter's, in Rome, June 29th, the feast of the Holy Apostles Peter and Paul, in the year 1958, the 20th of Our Pontificate.

REFERENCES

1. “Acta Apostolicae Sedis” 18 (1926) 432.

2. Ibid.

3. AAS 44 (1952) 153 and ff.

4. AAS 47 (1955) 5 ff.

5. Luke 20:25.

6. Acts 5:29.

7. Isaias 9:6.

8. Cfr. message of Pius XI to the Apostolic Delegate to China, Aug. 1, 1928: “Acta Apostolicae Sedis” 20 (1928) 245.

9. Address to Cardinals and Bishops, Nov. 2, 1954: AAS 46 (1954) 671-672. [Eng. tr.: TPS v. 1, no. 4, pp. 375 ff. – Ed.]

10. AAS 4(1912) 658.

11. Canon 331, sect. 3.

12. Canon 329, sect. 2.

13. Encyclical letter”Mystici Corporis,” June 29, 1943: AAS 35 (1943) 211-212.

14. Encyclical epistle “Ad Sinarum gentem,” Oct. 7, 1954: AAS 47 (1955) 9.

15. John 10:1.

16. John 10:4-5.

17. Vatican Council, session IV, chap. 3; Coll. Lac., Vll, p.484.

18. Canon 953.

19. Decree of Sacred Congregation of the Holy Office, April 9, 1951: AAS 43 (1951) pp. 217-18.

20. 1 Peter 5:7.

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